

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JUSTIN JOHNSON,)	
)	
)	
Plaintiffs,)	No. 4:22-CV-375 JSD
)	
v.)	
)	
JEFFERSON COUNTY, MISSOURI, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

On July 26, 2023, Plaintiff filed a Motion to Quash Defendants’ Subpoena Notice of Deposition of Vadim Baram, Inc. and Megan Robison; Dr. R. Peter Mirkin, Signature Orthopedics; Hyland Behavioral Health Center; and Dr. Rachel George (“Motion to Quash”) (ECF No. 72). The subpoenas requested that Plaintiff’s individual medical providers produce records on August 2, 2023. Plaintiff argues that his lawsuit alleges “strictly limited ... garden variety emotional distress and mental anguish” and has not put his “diagnosable mental health at issue.” (ECF No. 72, ¶¶ 9, 12). Likewise, Plaintiff claims that the records requests “is not limited in any way to the parts of the body put at issue in this lawsuit.” (ECF NO. 72, ¶ 16). Plaintiff asks that the Court quash these subpoenas in their entirety or allow Plaintiff to obtain these records via medical authorization, which he will provide to the Court for in camera review.

On July 26, 2023, Plaintiff also filed a Motion to Shorten Time (ECF No. 73), asking the Court to shorten the briefing schedule for the Motion to Quash due to the upcoming August 2, 2023 date for Plaintiff’s providers to produce records pursuant to the subpoenas. Plaintiff requested that any response to the Motion to Quash be filed no later than July 27, 2023 and any reply be filed by July 28, 2023.

Later that day, Plaintiff filed an “Emergency Motion to Quash” (ECF No. 74), requesting immediate relief because “providers are already producing these sensitive records.”

Finally, on the evening on July 26, 2023, Defendants filed their response to Plaintiff’s Motion to Shorten Time and Emergency Motion to Quash and Shorten Time (ECF No. 75). Defendants requested a longer briefing schedule to allow the parties adequate time to present their respective positions. Defendants proposed a response deadline of July 31, 2023 for Defendants and a reply deadline of August 3, 2023 for Plaintiff. Defendants further indicated that they have not reviewed and have deleted any medical records they already have been provided from Vadim Baram and Megan Robinson and that they have not received any other medical records from other providers.

The Court will grant Plaintiff’s Motion to Shorten Time, in part. Defendants shall file their response to Plaintiff’s Motion to Quash no later than July 31, 2023, and Plaintiff shall file his reply no later than August 3, 2023. The Court will deny Plaintiff’s Emergency Motion to Quash (ECF No. 74), given that Defendants have deleted all records they have received from any of Plaintiff’s providers. Finally, the Court will stay the production of medical records pursuant to Defendants’ subpoenas to allow the Court to consider the parties’ briefing in Plaintiff’s Motion to Quash. *See Hill v. Dejoy*, No. 4:19-CV-1315 RLW, 2020 WL 7078842, at *2 (E.D. Mo. Dec. 3, 2020) (the filing of a motion to quash does not automatically stay a deposition).

Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s Motion to Shorten Time (ECF No. 73) is **GRANTED**, in part. Defendants shall file their response to Plaintiff’s Motion to Quash no later than **July 31, 2023**, and Plaintiff shall file his reply no later than **August 3, 2023**.

IT IS FURTHER ORDERED that Plaintiff's Emergency Motion to Quash (ECF No. 74) is **DENIED** as moot.

IT IS FINALLY ORDERED that the pending subpoenas are **STAYED** pending the Court's resolution of Plaintiff's Motion to Quash (ECF No. 72).

Dated this 27th day of July, 2023.



JOSEPH S. DUEKER
UNITED STATES MAGISTRATE JUDGE